

## THE WEINHARDT LAW FIRM

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**FILED BY CM/ECF**

The Honorable John R. Tunheim  
United States District Court  
300 S. Fourth Street  
Minneapolis, MN 55415

RE: *Partners in Nutrition d/b/a Partners in Quality Care v. Minnesota Department of Education et. al*; Case No. 22-cv-02195

Dear Judge Tunheim:

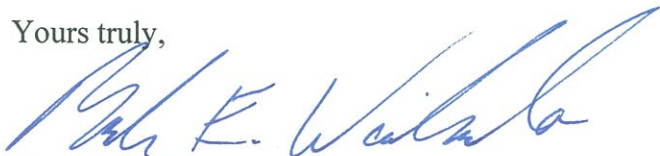
As I indicated at the close of the hearing today on the Plaintiff's motion for a temporary restraining order, the Plaintiff is providing full citations to the authorities noted at the hearing as well as some additional authority. The authority addresses whether this Court has jurisdiction or authority to enjoin the action of the Minnesota Department of Education ("MDE") in its May 27, 2022 letter that is the subject of the Plaintiff's motion. *See* Defendant Minnesota Department of Education's Memorandum of Law in Opposition to Plaintiff's Motion for a Temporary Restraining Order (ECF 23) at 23–25.

On the question of whether, as MDE contends, *Armstrong v. Exceptional Child Center, Inc.*, 535 U.S. 320 (2015), deprives this court of jurisdiction to enjoin the MDE's action here, I cited the Court during the hearing to *Guggenberger v. Minnesota*, 198 F.Supp.3d 973, 1005–06 (D. Minn. 2016), as distinguishing *Armstrong* where a different federal statute was involved. For the same proposition we would also cite the Court to *Planned Parenthood of Kansas v. Andersen*, 882 F.3d 1205, 1225–28 (10th Cir. 2018); *Waskul v. Washtenaw Cnty. Cmty. Mental Health*, 979 F.3d 426, 445–448 (6th Cir. 2020).

On the question of whether this Court has the authority to enjoin state action while that action is the subject of a pending administrative appellate proceeding, I cited the Court to *Entergy Arkansas, Inc. v. Nebraska*, 210 F.3d 887, 900–901 (8th Cir. 2000).

Please let us know if the Court has any questions or seeks additional information.

Yours truly,



Mark E. Weinhardt

cc: Kristine Nogosek  
Christopher Stafford  
Kevin Conneely  
Emily Asp